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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES KELLY,

Plaintiff,

v.

REED HOLTGEERTS, et al.,

Defendants.

Case No. C08-261 MJP

ORDER DENYING
PLAINTIFF'S MOTION

This matter comes before the Court on Plaintiff's motion for punitive damages. (Dkt. No. 49.) After reviewing the motion and Defendants' response (Dkt. No. 50), the Court DENIES the motion for the reasons stated below.

After reviewing thorough briefing by the parties and the recommendation by Magistrate Judge Brian Tsuchida, this Court granted Defendants' motion for summary judgment and dismissed this action on November 25, 2008. (See Dkt. Nos. 47 & 48.) Plaintiff's current motion, alleging evidentiary errors in Defendants' summary judgment motion, is untimely.

At most, Plaintiff's current motion could be construed as a motion for reconsideration of the Court's November 25, 2008 order. To succeed on a motion for reconsideration, Plaintiff must demonstrate a manifest error in the Court's ruling or make a showing of new facts or legal authority which could not have been brought to the Court's attention earlier with reasonable

1 diligence. See Local Civil Rule 7(h). Plaintiff currently attacks the evidentiary sufficiency of
2 Kathryn Hall's declaration, which Defendants filed on September 4, 2008. Plaintiff could have
3 raised this issue before the November 25, 2008 dismissal. Because Plaintiff has not met the
4 standard required for reconsideration, this motion must be DENIED.

5 The Clerk is directed to send a copy of this order to all counsel of record and mail a copy
6 to Plaintiff.

7 Dated: December 15, 2008

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10 Marsha J. Pechman

11 U.S. District Judge
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